

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

JONATHAN TAMPICO,	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	04-12500-NMG
	)	
UNITED STATES	)	
Defendant.	)	
	)	

**MOTION TO EXTEND THE TIME TO FILE AN ANSWER OR OTHER RESPONSIVE  
PLEADING**

Now comes the United States to request that the time to file an Answer or other responsive pleading be extended until January 31, 2006. In support of the motion, the United States states that on November 7, 2005, pursuant to Fed. R. Civ. P. 68, the United States has made an offer of judgment in the amount of \$109.10,<sup>1</sup> with costs accrued to that date.

The Plaintiff has not yet responded to the Offer of Judgment. Should the plaintiff accept the offer (which is for the full amount that the Plaintiff could recover under the FTCA) the requested time would be necessary to evaluate and potentially resolve any costs claim made by the Plaintiff. Should the offer be rejected, such time is necessary to prepare a motion to dismiss claims beyond the scope of the FTCA (*i.e.*, injunctive relief and punitive damages), see 28 U.S.C. § 2674, and to evaluate the appropriate manner in which to otherwise proceed with the litigation.

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<sup>1</sup>The offer is for the total amount claimed by Plaintiff in his administrative claim.

Wherefore the United States requests that the time to file an answer or other responsive pleading be extended to January 31, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

/s/ Mark J. Grady  
MARK J. GRADY  
Assistant U.S. Attorney  
U.S. Attorney's Office  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
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**Certificate of Compliance**

The United States takes the position that L.R. 7.1 requires "counsel" to confer. As the Plaintiff is pro se, the rule is inapposite. Alternatively, because the Plaintiff is an inmate confined to the custody of the Bureau of Prisons, the United States requests leave to file without a conference.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney

**Certificate of Service**

IT IS HEREBY CERTIFIED that on this 21st day of November 2005 service of the foregoing Offer of Judgment has been made upon the following by depositing a copy in the United States mail, postage prepaid to, Jonathan Tampico, 79426-079, United States Penitentiary, PO Box 1000, Lewisberg, PA 17837-1000.

/s/ Mark J. Grady  
Mark J. Grady  
Assistant United States Attorney